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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,613	08/19/2003	John Williams	75144-011400	5986
23446	7590	01/04/2011	EXAMINER	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				JONES, MARCUS D
ART UNIT		PAPER NUMBER		
3717				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/644,613	WILLIAMS ET AL.	
	Examiner	Art Unit	
	Marcus D. Jones	3717	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 September 2009.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6 and 8-17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-6 and 8-17 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Response to Amendment

The amendment filed 2 September 2009 in response to the previous Non-Final Office Action (2 March 2009) is acknowledged and has been entered.

Claims 1-6 and 8-17 are currently pending.

Claim 7 is cancelled.

Election/Restrictions

1. Applicant's election with traverse of Election by Original Presentation Restriction Requirement in the reply filed on 2 September 2009 is acknowledged. The traversal is on the ground(s) that the amended subject matter is based in subclass 30, not subclass 24 as described in the restriction requirement. This is found to be persuasive.

The requirement is deemed improper and is therefore WITHDRAWN. Newly added claims 16 and 17 have been examined on the merits.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1-6 and 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow et al. (US 6,656,041), and further in view of Okada (US PGPub 2004/0209672).**

In reference to claims 1, 8, 9, 11, 12 and 13, Kaminkow discloses: A gaming machine comprising:

a chamber defining portion that defines a portion (see Figure 1, lead line 58);
a panel carrying gaming-machine artwork arranged on one side of the chamber (see Figure 1, lead line 70, col 4, ln 22-26);
a light-diffusing element arranged on an opposed side of the chamber in spaced relationship relative to the panel (col 4, ln 18-21);
a gaming machine illuminating arrangement arranged in the chamber between the panel and the light diffusing element, the gaming machine illuminating arrangement operable to provide backlighting for the panel and comprising:
a carrier (see Figure 3, lead line 68); and

a first group and a second group of semiconductor illuminating elements arranged in a predetermined array on the carrier (see Figure 3, lead lines 96, *two separate illumination elements*); and

a controller operable to control operation of said first group of said semiconductor illuminating elements to emit light of a first color and to control operation of said second group of semiconductor illuminating elements to emit a second color different from said first color (col 4, In 58-64). Kaminkow does not specifically disclose a first and second color, different from one another. However, Kaminkow does disclose that the illuminating elements may be the same or different colors (col 4, In 58-col 5, In 3). It would have been well within the ordinary skill of an artisan to differing color lights within the game chamber in order to make the display more attractive to potential players.

Kaminkow also does not specifically disclose that the light diffusing element can be arranged on an opposed side of the chamber in a spaced relationship relative to the panel. Okada teaches of a gaming system with a display device arranged in the belly of the gaming system comprising a panel carrying artwork on one side and a light-diffusing panel on a different side of the game's chamber. An illuminating member is placed between the artwork panel and the light diffuser to make an arrangement that provides a backlighting feature to the system (par 86 and Figures 1 and 36)..

Since Kaminkow motivated that a number of arrangement modifications could be made to the design (col 5, In 55-66), it would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Kaminkow in view of

Okada in order to further provide backlighting to the system since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

In reference to claim 2, Kaminkow and Okada disclose the invention substantially as claimed except for specifically that the carrier comprises a strip of printed circuit board (PCB) carrying conductive for connecting the illuminating elements to a control means for supplying electrical power to the PCB, the control means being part of the controller of the gaming machines. However, as previously acquiesced by the Applicant, it is well known in the art to use PCB boards to mount and control LED displays. For example, see Chaudry, US 4,363,486, which shows this feature to be old (col 1, ln 59-col 2, ln 12). Kaminkow also discloses flashing the LEDs to form a lightening pattern (col 5, ln 33-35).

In reference to claims 3 and 4, Kaminkow and Okada disclose the invention substantially as claimed. Kaminkow further discloses semiconductor illuminating elements in the form of LEDs wherein the arrangement is a sequence of repeating groups (see Figure 3, and col 4, ln 58-64).

In reference to claims 5 and 6, Kaminkow and Okada disclose the invention substantially as claimed. Kaminkow further discloses that the groups comprise predetermined number of differently colored LEDs in which the colors may correspond to various colors (col 4, ln 67- col 5, ln 2). Kaminkow does not specifically disclose that the LEDs are primary colors. However, it is a matter of design choice to have the LEDs of only primary colors. Such method is old and extremely well known in the art since by

having only primary colors one can generate the other colors through various combinations of the primary colors. See Paulsen US PGPub 2006/0121967, par 6.

In reference to claim 10, Kaminkow and Okada disclose the invention substantially as claimed. Kaminkow further discloses wherein the chamber defining means is arranged in a top box of the gaming machine (see Figure 1).

In reference to claims 14 and 15, Kaminkow and Okada disclose the invention substantially as claimed. Kaminkow further discloses when someone passes by the gaming device 10, the topper unit 56 lights up, creates thunder and provides a stream of air to attract their attention. In yet another embodiment, the gaming device could emulate a storm on a timed or regular basis to attract players (col 5, ln 47-51).

In reference to claims 16 and 17, Kaminkow discloses: A gaming machine comprising:

- a chamber defining portion that defines a portion (see Figure 1, lead line 58);
- a panel carrying gaming-machine artwork arranged on one side of the chamber (see Figure 1, lead line 70, col 4, ln 22-26);
- a light-diffusing element arranged on an opposed side of the chamber in spaced relationship relative to the panel (col 4, ln 18-21);
- a gaming machine illuminating arrangement arranged in the chamber between the panel and the light diffusing element, the gaming machine illuminating arrangement operable to provide backlighting for the panel and comprising:
 - a carrier (see Figure 3, lead line 68); and

a first group and a second group of semiconductor illuminating elements arranged in a predetermined array on the carrier (see Figure 3, lead lines 96, *two separate illumination elements*); and

a controller arranged to illuminate the semiconductor illuminating elements in a sequence of illumination when the gaming machine is in an idle state, said sequence of illumination sequentially changing said panel from a first color to a second color (col 4, ln 58-64). Kaminkow also discloses the present invention could include a detector which detects passersby. In this embodiment, when someone passes by the gaming device 10, the topper unit 56 lights up, creates thunder and provides a stream of air to attract their attention. In yet another embodiment, the gaming device could emulate a storm on a timed or regular basis to attract players (col 5, ln 43-52). The Examiner submits that the simulation of the storm is a sequence of illumination of LEDs during the 'idle state' (*no player playing the game*) Kaminkow does not specifically disclose a first and second color, different from one another. However, Kaminkow does disclose that the illuminating elements may be the same or different colors (col 4, ln 58-col 5, ln 3). It would have been well within the ordinary skill of an artisan to use differing color lights within the game chamber in order to make the display more attractive to potential players.

Kaminkow also does not specifically disclose that the light diffusing element can be arranged on an opposed side of the chamber in a spaced relationship relative to the panel. Okada teaches of a gaming system with a display device arranged in the belly of the gaming system comprising a panel carrying artwork on one side and a light-diffusing

panel on a different side of the game's chamber. An illuminating member is placed between the artwork panel and the light diffuser to make an arrangement that provides a backlighting feature to the system (par 86 and Figures 1 and 36)..

Since Kaminkow motivated that a number of arrangement modifications could be made to the design (col 5, ln 55-66), it would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Kaminkow in view of Okada in order to further provide backlighting to the system since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive. The Applicant asserts that "Neither Kaminkow nor Okada teaches or suggests the claimed controller as recited in claim 1 and 12."

The Examiner respectfully disagrees.

As discussed above, Kaminkow does not specifically disclose a first and second color, different from one another. However, Kaminkow does disclose that the illuminating elements may be the same or different colors (col 4, ln 58-col 5, ln 3). It would have been well within the ordinary skill of an artisan to differing color lights within the game chamber in order to make the display more attractive to potential players.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus D. Jones whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on 571-272-4709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/
Examiner, Art Unit 3717

/Melba Bumgarner/
Supervisory Patent Examiner, Art Unit 3717